

REMARKS

The pending Office Action has been carefully considered. Seven claims are pending in this application numbered 1, 11-13, 17, 23 and 24. Claim 1 is the sole independent claim. Claims 2-10, 14-16 and 18-22 have been canceled. Claims 1, 11-13, 17, 23 and 24 have been amended.

The Examiner has objected to the drawings because of the absence of numeral 10 from the Figures, the inconsistency of element 50 in Figs. 6 and 7, and improper denoting of elements 60 and 64 in Fig. 5. In compliance with 37 C.F.R. 1.121(d) enclosed herewith are corrected drawings in an attempt to resolve the grounds for the objection raised by the Examiner. In addition to the modifications to the drawings to resolve the Examiner's objection, Figs. 6 and 7 have been corrected by deleting the cross-sectional lines designated V-V.

The Abstract has been amended to resolve the Examiner's objection to the use of the legal terminology formerly present.

Correction has been made to the disclosure to make the Summary of the Invention more commensurate with the claimed invention. The disclosure has also been amended to resolve the informalities noted by the Examiner as being present on pages 8, 15 and 16.

The Examiner's objections to the informalities of certain claims were addressed by deleting and amending, as appropriate, the formerly pending claims.

The present invention as claimed in newly amended claim 1 is directed to an ostomy pouch. This ostomy pouch includes an inner and outer pouch. The outer pouch has a curved re-closeable zippered opening on its curved periphery. The inner and outer pouches each have an aperture that align with each other when these pouches are operative. The inner pouch is secured to and removable from the outer pouch by a coupling capable of separating from the outer pouch. This separable coupling permits replacement of the inner pouch by another inner pouch. The re-closeable opening on the curved periphery of the outer pouch is adequate in length to permit folding of an outer pouch wall so as to facilitate access to the separable coupling.

The Examiner rejected the formerly pending claims under 35 U.S.C. 102(b) in view of Petersen, Knight, Sato, et al. (Sato), applied separately.

The Examiner also used Sato in view of Hulett as grounds for rejection under 35 U.S.C. 103(a).

It is believed that the present invention as claimed in newly amended claim 1, and the remaining claims dependent thereon, are not anticipated or obvious in view of the cited references, applied singly or in combination.

The present invention as presently claimed is directed to an ostomy pouch that includes an outer pouch having a curved re-closeable zippered opening that permits removal and replacement of an inner pouch separably coupled to an outer pouch. The re-closeable opening on the curved periphery of the outer pouch is adequate in length to permit folding of an outer pouch wall so as to facilitate access to the separable coupling. The references singly or in combination do not show, disclose or teach the present invention as claimed.

Petersen is directed to an ostomy pouch with an outer and inner bag. The re-closeable portion of the outer bag (column 8, lines 15-31 and Fig. 6) include flaps 66 which can be bent upwardly so that the outer bag may be pulled downwardly away from the inner bag. The inner bag is replaced and the outer bag is positioned around the new inner bag.

Petersen does not show or suggest a curved re-closeable zippered opening on the curved periphery of an outer pouch. Petersen requires that the outer bag be entirely removed before an inner bag is replaced. The present invention as claimed provides access for removal of the inner pouch through the re-closeable zippered opening on the periphery of the outer pouch. The outer pouch of the present invention need not be removed by being pulled off the inner bag as taught by Petersen to replace the inner bag. The inner pouch of the present invention can be replaced by folding the outer pouch wall, after the re-closeable zippered opening has been opened.

Knight is directed to a pouch for transporting dead bodies. There is no suggestion of this type of pouch being attachable to the human body for receiving human waste from a stoma, as presently claimed in claim 1. There is also no suggestion of an outer and inner pouch having alignable apertures for receiving human waste from a stoma. There is also no suggestion of folding an outer bag wall for access to a separable coupling.

Sato is directed to a rectangular ostomy pouch attachable to the body. The ostomy pouch has an inner pouch and an outer pouch. The inner pouch is removed from the outer pouch by opening the fastener 14 (column 7, lines 48-61) which extends across the width of the rectangular outer ostomy pouch. There is no suggestion, disclosure, nor teaching in Sato of an ostomy pouch having a curved re-closeable zippered opening or the folding of a pouch wall to facilitate access to a separable coupling as presently claimed.

Accordingly, Knight or Sato properly applied singly or in combination does not anticipate or render obvious the present invention.

Hulett discloses a re-useable colostomy bag having a re-useable "zip-lock" drain opening at the bottom of the pouch. On the exterior surface of the re-useable colostomy bag is a panel containing an auxiliary bag. There is no suggestion by Hulett of an outer and inner

pouch having aligned apertures for receiving human waste or a separable coupling. There is no suggestion of a curved re-closeable zippered opening for removal and insertion of the inner pouch within an outer pouch. Hulett does not have the same function or location of a curved re-closeable zippered opening of the present invention as claimed. This is not surprising since Hulett is not at all concerned with an inner and outer pouch.

The present invention as claimed in newly amended claim 1 includes structures and functions that are not disclosed, nor taught by the cited references. None of the references disclose or teach a curved peripheral re-closeable zippered opening for replacement of an inner pouch within an outer pouch or a re-closeable opening on the curved periphery of the outer pouch that is adequate in length to permit folding of an outer pouch wall so as to facilitate access to the separable coupling. Hindsight should not be improperly applied to reject the presently claimed invention.

In view of the action taken herein, Examiner is respectfully requested to withdraw the rejections and objections and allow this application.

Respectfully submitted,

Bristol-Myers Squibb Company
Patent Department
100 Headquarters Park Drive
Skillman, NJ 08558

Date: April 24, 2006


Stuart E. Krieger
Attorney for Applicants
Reg. No. 28,731
Phone: 908-904-2376